

Message Text

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ACTION OES-09

INFO OCT-01 EUR-12 EA-10 ISO-00 ACDA-12 CIAE-00 INR-10
IO-13 L-03 NSAE-00 NSC-05 EB-08 NRC-05 SOE-02
DODE-00 SS-15 SP-02 CEQ-01 PM-05 SAS-02 /115 W
-----011919 081105Z /13

R 080950Z SEP 78
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 7881
INFO USDOEHQ WASHDC
USDOEHQ GERMANTOWN
AMEMBASSY LISBON
AMEMBASSY SEOUL
AMEMBASSY TOKYO

C O N F I D E N T I A L SECTION 01 OF 02 VIENNA 08074

USIAEA

DEPT PASS IO/SCT
DOE PASS AMMONS AND MCFADDEN, IA

E.O. 11652: GDS
TAGS: IAEA, TECH, PARM, PO, KS, JA
SUBJECT: PROTOCOL TO SUSPEND SAFEGUARDS TRANSFER
AGREEMENTS WITH PORTUGAL AND JAPAN

REFERENCE: STATE 225568

1. MISSION HAS FOLLOWED UP WITH JAPANESE AND UK MISSIONS
PER PARAS 2 AND 3 REFTEL. BOTH WERE APOLOGETIC THAT
RESPONSES NOT RPT NOT YET RECEIVED AND PROMISED TO
FOLLOW UP WITH THEIR RESPECTIVE FOREIGN MINISTRIES.

2. FOLLOWING IS COMPLETE TEXT OF REVISED PROTOCOL
SUSPENDING U.S./IAEA/PORTUGAL SAFEGUARDS TRANSFER
AGREEMENT WHICH HAS BEEN DRAFTED WITH MODIFICATIONS
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PER PARA 5 REFTEL AND TRANSMITTED TO IAEA FOR THEIR
CONSIDERATION.

3. QUOTE.

PROTOCOL TO SUSPEND THE APPLICATION OF SAFEGUARDS
PURSUANT TO THE AGREEMENT BETWEEN THE INTERNATIONAL

ATOMIC ENERGY AGENCY, THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS AND PROVIDING FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE NON-PROLIFERATION TREATY AND TO THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS IN THE UNITED STATES OF AMERICA, APPROVED BY THE BOARD OF GOVERNORS OF THE AGENCY ON 17 SEPTEMBER 1976

THE INTERNATIONAL ATOMIC ENERGY AGENCY (HEREINAFTER REFERRED TO AS THE "AGENCY"), THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA;

RECOGNIZING THAT THE AGENCY HAS BEEN APPLYING SAFEGUARDS IN ACCORDANCE WITH THE PROVISIONS OF THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS SIGNED ON 11 JULY 1969 (HEREINAFTER REFERRED TO AS THE "SAFEGUARDS TRANSFER AGREEMENT") TO MATERIALS, EQUIPMENT AND FACILITIES REQUIRED TO BE SAFEGUARDED UNDER THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA

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AND THE GOVERNMENT OF PORTUGAL CONCERNING CIVIL USES OF ATOMIC ENERGY SIGNED ON 3 JULY 1969 (HEREINAFTER REFERRED TO AS THE "AGREEMENT FOR COOPERATION"), TO ENSURE SO FAR AS IT IS ABLE THAT THEY WILL NOT BE USED IN SUCH A WAY AS TO FURTHER ANY MILITARY PURPOSE;

RECOGNIZING THAT PORTUGAL, AS A NON-NUCLEAR-WEAPON STATE PARTY TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (HEREINAFTER REFERRED TO AS THE "TREATY") HAS CONCLUDED WITH THE AGENCY AN AGREEMENT FOR THE APPLICATION OF SAFEGUARDS (HEREINAFTER REFERRED TO AS THE "TREATY SAFEGUARDS AGREEMENT") PURSUANT TO PARAGRAPH 4 OF ARTICLE III OF THE TREATY;

RECOGNIZING THAT ARTICLE 23 OF THE TREATY SAFEGUARDS AGREEMENT PROVIDES FOR THE SUSPENSION OF AGENCY SAFEGUARDS IN PORTUGAL APPLIED PURSUANT TO OTHER SAFEGUARDS AGREEMENTS WITH THE AGENCY;

RECOGNIZING THAT, UNDER ARTICLE IX OF THE AGREEMENT FOR COOPERATION, THE GOVERNMENT OF PORTUGAL HAS GUARANTEED THAT NO MATERIAL, INCLUDING EQUIPMENT AND

DEVICES, TRANSFERRED TO THE GOVERNMENT OF PORTUGAL OR
AUTHORIZED PERSONS UNDER ITS JURISDICTION BY

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R 080950Z SEP 78
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AMEMBASSY SEOUL
AMEMBASSY TOKYO

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PURCHASE OR OTHERWISE PURSUANT TO THE AGREEMENT FOR
COOPERATION, AND NO SPECIAL NUCLEAR MATERIAL PRODUCED
THROUGH THE USE OF SUCH MATERIAL INCLUDING EQUIPMENT
AND DEVICES, WILL BE USED FOR ATOMIC WEAPONS, OR FOR
RESEARCH ON OR DEVELOPMENT OF ATOMIC WEAPONS, OR FOR
ANY OTHER MILITARY PURPOSE;

HAVE AGREED;

1. THE TREATY SAFEGUARDS AGREEMENT SHALL BE APPLIED
AS THEREIN PROVIDED AND THE APPLICATION OF SAFEGUARDS
IN PORTUGAL PURSUANT TO THE SAFEGUARDS TRANSFER
AGREEMENT SHALL BE SUSPENDED DURING THE TIME AND TO
THE EXTENT THAT THE TREATY SAFEGUARDS AGREEMENT IS IN
FORCE AND SAFEGUARDS SPECIFIED IN THE TREATY
SAFEGUARDS AGREEMENT ARE BEING APPLIED BY THE AGENCY.

2. THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA
AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE
APPLICATION OF SAFEGUARDS IN THE UNITED STATES OF
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AMERICA, WHICH WAS APPROVED BY THE BOARD OF GOVERNORS OF THE AGENCY ON 17 SEPTEMBER 1976, SHALL BE APPLIED AS THEREIN PROVIDED WHEN THE AGREEMENT ENTERS INTO FORCE AND THE APPLICATION OF SAFEGUARDS IN THE UNITED STATES OF AMERICA UNDER THE SAFEGUARDS TRANSFER AGREEMENT SHALL BE SUSPENDED DURING THE TIME AND TO THE EXTENT THAT THE AFOREMENTIONED BILATERAL AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE AGENCY IS IN FORCE AND SAFEGUARDS SPECIFIED IN THAT AGREEMENT ARE BEING APPLIED BY THE AGENCY.

3. IN THE EVENT THAT PORTUGAL INTENDS TO EXERCISE ITS DISCRETION IN ACCORDANCE WITH ARTICLE 14 OF THE TREATY SAFEGUARDS AGREEMENT TO USE NUCLEAR MATERIAL WHICH IS REQUIRED TO BE SAFEGUARDED UNDER THAT AGREEMENT IN AN ACTIVITY WHICH DOES NOT REQUIRE THE APPLICATION OF SAFEGUARDS UNDER THAT AGREEMENT, THE GOVERNMENT OF PORTUGAL WILL SATISFY THE AGENCY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT SUCH MATERIAL IS NOT SUBJECT TO THE GUARANTEES MADE TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA BY THE GOVERNMENT OF PORTUGAL IN ARTICLE IX OF THE AGREEMENT FOR COOPERATION. MOREOVER, THE GOVERNMENT OF PORTUGAL WILL SATISFY THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT NO MATERIAL, INCLUDING EQUIPMENT AND DEVICES, TRANSFERRED FROM THE UNITED STATES OF AMERICA TO PORTUGAL UNDER THE AGREEMENT FOR COOPERATION ARE INVOLVED IN SUCH USE. THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES TAKE THIS OPPORTUNITY TO REAFFIRM THEIR MUTUAL UNDERSTANDING THAT THE USES PRECLUDED BY ARTICLE IX OF THE AGREEMENT FOR COOPERATION INCLUDE USE FOR ANY NUCLEAR EXPLOSIVE DEVICE OR FOR RESEARCH ON OR DEVELOPMENT OF ANY

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NUCLEAR EXPLOSIVE DEVICE.

4. THIS PROTOCOL SHALL ENTER INTO FORCE UPON SIGNATURE BY OR FOR THE DIRECTOR GENERAL OF THE AGENCY AND BY THE AUTHORIZED REPRESENTATIVES OF THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

DONE IN VIENNA, THIS DAY OF 1978, IN
TRIPPLICATE IN THE ENGLISH LANGUAGE.

FOR THE GOVERNMENT OF PORTUGAL:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE INTERNATIONAL ATOMIC ENERGY AGENCY: UNQUOTE.
KIRK

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Message Attributes

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